

December 2, 2019

West Des Moines City Council Proceedings
Monday, December 2, 2019

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, at the West Des Moines Community School District Learning Resource Center, 3550 Mills Civic Parkway on Monday, December 2, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending one amendment to the agenda, as Item 9(a) Reconsideration of Placement of Vicious Dog at 532 9th Street can be removed.

Mayor Gaer noted Item 9(a) is no longer needed because the owners of the dog have decided to voluntarily relinquish their dog to Furry Friends Refuge.

On Item 1. Agenda. It was moved by Hardman, second by Trevillyan approve the agenda as amended.

Vote 19-561: Hardman, Mickelson, Sandager, Trevillyan, Trimble...3 yes
Motion carried.

On Item 2. Public Forum

Sean Murtha, 539 9th Street, expressed appreciation to the City for its efforts in resolving the vicious dog issue.

Council member Sandager arrived at 5:33 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, and K. Trevillyan.

Leslie Keely, 1715 17th Street, spoke in opposition to Item 5(a) Dowling Catholic PUD, citing concerns about potential uses that could occur on the property and the potential future layout of the site.

Mayor Gaer stated the concerns expressed by Ms. Keely are issues that will be addressed during the site plan process, and he noted staff has been directed to send out notification to the neighboring property owners when the site plan comes forward for consideration.

On Item 3. Council/Manager/Other Entities Reports:

Council member Mickelson congratulated the football teams from Valley High School and Dowling Catholic High School for both reaching the state championship game, and he also congratulated Dowling for winning the state championship.

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Council member Hardman reported she attended the lighting ceremony for the “Light Valley Junction” project. She congratulated the owner of The Great Frame Up for earning an award from the Small Business Administration. She expressed appreciation to the Police Department for their efforts in resolving the vicious dog issue. She also reported the West Des Moines Public Library is in the midst of its renovations project, and she advised the public to pay attention to notifications regarding impacts and closures.

On Item 4. Consent Agenda.

Council members pulled Item 4(n) for discussion. It was moved by Mickelson, second by Hardman to approve the consent agenda as amended.

- a. Approval of Minutes of November 18, 2019 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Andy Tanning, LLC d/b/a Andy’s Nails, 8850 University Avenue, Suite 104 - Class BW Permit - Renewal
 - 2. Ballet Des Moines d/b/a Ballet Des Moines, 121 South 11th Street, #100 - Five-Day Class B Beer Permit for Event on December 3, 2019
 - 3. Cyd’s Catering, LLC d/b/a Cyd’s Catering, 4000 Turnberry Drive - Class LC Liquor License with Catering Privileges - New
 - 4. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 5. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2nd Floor Meeting Room - Class BW Permit with Sunday Sales - Renewal
 - 6. Lovely Food Mart, Inc. d/b/a Indian Grocery, 6630 Mills Civic Parkway, Suite 3110 - Class BC Permit with Sunday Sales - Renewal
 - 7. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Raccoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 8. 205 Corporation d/b/a The Tavern, 205 5th Street - Class LC Liquor License with Sunday Sales - Renewal
 - 9. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class LC Liquor License with Sunday Sales - Renewal
- d. Approval of Purchases:
 - 1. Desktop Enhanced Build Computers
 - 2. Surface Book Standard Build Computers
- e. Approval of Advance Funding - West Des Moines Historical Society
- f. Approval of Ground Emergency Medical Transport Intergovernmental Transfer Agreement
- g. Approval of Amendment No. 1 to Professional Services Agreement - Raccoon River Park Concessions Remodel
- h. Approval of 2020 City Council Meeting Schedule

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- i. Approval of Professional Services Agreements:
 - 1. Miscellaneous Land Surveying Services
 - 2. Raccoon River Pedestrian Bridge at Raccoon River Park
- j. Award Contract - Jordan Creek Pedestrian Underpass Improvements - Valley West Drive and 50th Street
- k. Accept Public Improvements - Park 88 (Cody Drive Extension)
- l. Approval and Acceptance of Parkland Dedication Agreement - Park 88
- m. Order Construction - MidAmerican Energy RecPlex - Ice Refrigeration

Vote 19-562: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 4(n) Proclamation - Human Rights Day - December 10, 2019

Mayor Gaer read Proclamation - Human Rights Day. He then recognized the Human Rights Commission members in attendance.

It was moved by Trevillyan, second by Mickelson to approve Item 4(n) Proclamation - Human Rights Day - December 10, 2019.

Vote 19-563: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(a) Dowling Catholic, 1400 Buffalo Road - Establish a Planned Unit Development (PUD) to Provide a Framework for Continued Development and Expansion of a School Campus While Fitting within the Context of the Established Neighborhood, initiated by Dowling Catholic High School

It was moved by Sandager, second by Mickelson to consider the second reading of the ordinance.

Vote 19-564: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Hardman to approve the second reading of the ordinance.

Vote 19-565: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Sandager, second by Mickelson to waive the third reading and adopt the ordinance in final form.

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Vote 19-566: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning) and Title 10 (Subdivision Regulations)
- Modify Setbacks for Corner Lots in Certain Lot Configurations, initiated by the City of West
Des Moines

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 19-567: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

Vote 19-568: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the
ordinance in final form.

Vote 19-569: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

Council member Trimble arrived at 5:47 p.m. The attendance was re-taken. Council members
present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density
Regulations) and Chapter 14 (Accessory Structures) - Update Regulations for Accessory
Structures of Non-Residential Uses in Residential Zoning Districts, initiated by the City of West
Des Moines

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 19-570: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

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Vote 19-571: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 19-572: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - EP True Parkway and 78th Place, Grand Avenue and Scenic Valley Drive, and Mills Civic Parkway and South 88th Street, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the second reading of the ordinance.

Vote 19-573: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the second reading of the ordinance.

Vote 19-574: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 19-575: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) Veterans Parkway, east corporate limits to western terminus of Veterans Parkway; South Grand Prairie Parkway, north corporate limits to Raccoon River; and SW Grand Prairie Parkway, Raccoon River to southern terminus of South Grand Prairie Parkway, initiated by the City of West Des Moines

It was moved by Trimble, second by Sandager to consider the second reading of the ordinance.

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Vote 19-576: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the second reading of the ordinance.

Vote 19-577: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 19-578: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Yield Required) - SW Grand Prairie Parkway and Veterans Parkway, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to consider the second reading of the ordinance.

Vote 19-579: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the second reading of the ordinance.

Vote 19-580: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Trimble to waive the third reading and adopt the ordinance in final form.

Vote 19-581: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Veterans Parkway, east corporate limits to western terminus of Veterans Parkway on the south side; South Grand Prairie Parkway, north corporate limits to Raccoon River on the west side; SW Grand Prairie Parkway, Raccoon River to southern terminus of South Grand Prairie Parkway on the west side; and 78th Place, EP True

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Parkway to 185 feet north of EP True Parkway on the west side, initiated by the City of West Des Moines

It was moved by Trimble, second by Hardman to consider the second reading of the ordinance.

Vote 19-582: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the second reading of the ordinance.

Vote 19-583: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 19-584: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(h) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Veterans Parkway, east corporate limits to western terminus of Veterans Parkway, initiated by the City of West Des Moines

It was moved by Trimble, second by Hardman to consider the second reading of the ordinance.

Vote 19-585: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the second reading of the ordinance.

Vote 19-586: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 19-587: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 5(i) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Truck Routes) - Veterans Parkway, east corporate limits to western terminus of Veterans Parkway; South Grand Prairie Parkway, north corporate limits to Raccoon River; and SW Grand Prairie Parkway, Raccoon River to southern terminus of South Grand Prairie Parkway, initiated by the City of West Des Moines

It was moved by Trimble, second by Hardman to consider the second reading of the ordinance.

Vote 19-588: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the second reading of the ordinance.

Vote 19-589: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 19-590: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 1913 Grand Avenue - Amend Comprehensive Plan Land Use Map from Single Family Residential to Office Land Use Designation and Change the Zoning from Residential Single Family to Office, initiated by Mark Shrum (Continued from November 18, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on November 1, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Comprehensive Plan Amendment.

Council member Trevillyan noted some of the parcels in the 1900 block of Grand Avenue have changed zoning back and forth multiple times between residential and commercial. He inquired if all these parcels should have the same zoning for consistency.

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Lynne Twedt, Development Services Director, responded staff had determined it is best to let the market dictate how the zoning plays out for this area. She noted the property owner at 1913 Grand Avenue had requested to rezone the parcel to Office, and staff recommends approval because it is adjacent to other commercial-zoned areas. She noted if this had been one of the homes in the middle of the residential section, staff would likely not have recommended approval.

Vote 19-591: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Sandager to consider the first reading of the ordinance.

Vote 19-592: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the first reading of the ordinance.

Vote 19-593: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) 4th and Railroad, 101 and 107 4th Street - Amend the Comprehensive Plan Land Use Map and Establish a Planned Unit Development (PUD) to Allow a Vertical Commercial and Residential Mixed-Use Building, initiated by Cutler Development, LLC (Continued from November 18, 2019)

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to December 16, 2019.

Vote 19-594: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Amendment to City Code - Title 9 (Zoning), Chapter 11 (PCP Professional Commerce Park District) - Remove Specific Bulk Regulations that Are Specified Elsewhere in Title 9, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Motion - Accept Withdrawal of Request.

Vote 19-595: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #1 to Historic West Des Moines Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 22, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Mickelson to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 19-596: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Mickelson to consider the first reading of the ordinance.

Vote 19-597: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the first reading of the ordinance.

Vote 19-598: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Willow Creek Villas Row Homes, west side of Veterans Parkway north of the intersection with South 11th Street - Subdivide Property into 46 Townhome Lots and One Outlot and Construct 46 Townhomes, initiated by Jerry's Homes

It was moved by Trimble, second by Mickelson to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 19-599: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Woodland Hills Urban Renewal Area - Approval of Amended TIF Ordinance, initiated by the City of West Des Moines

It was moved by Trimble, second by Hardman to consider the first reading of the ordinance.

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Vote 19-600: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Mickelson to approve the first reading of the ordinance.

Vote 19-601: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - South 91st Street and Coachlight Drive; and SW 60th Street and SW Kerry Street, initiated by the City of West Des Moines

It was moved by Trimble, second by Mickelson to consider the first reading of the ordinance.

Vote 19-602: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Mickelson to approve the first reading of the ordinance.

Vote 19-603: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - SW 60th Street, Veterans Parkway to SW Kerry Street; SW Warren Avenue, SW Adams Street to southern terminus of SW Warren Avenue; SW Kerry Street, SW Warren Avenue to western terminus of SW Kerry Street, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the first reading of the ordinance.

Vote 19-604: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the first reading of the ordinance.

Vote 19-605: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 8(a) Abstract of Votes - November 5, 2019 Municipal Election - Received and Filed

On Item 8(b) Matthew McKinney Resignation - Sister Cities Commission - Received and Filed

On Item 9(a) Removed

Mayor Gaer stated he has suggested to staff the vicious dog ordinance be amended so that if an owner of a dog that has been declared vicious by animal control wishes to appeal the ruling, it would be heard by an administrative law judge, as opposed to the City Council. He believes the City Council should continue to set the policy regarding this issue, but should not make any judicial determination.

The meeting was adjourned at 6:07 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor